

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 21-CR-0173 (PJS/DTS)

Plaintiff,

v.

ORDER

ANTON JOSEPH LAZZARO,

Defendant.

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This matter is before the Court on the defendant's motion exclude time under the Speedy Trial Act to allow additional time to prepare for trial, which is set for March 20, 2023. ECF No. 266. Defendant's counsel was not retained until June 2022, nearly one year after the indictment, and has spent most of the past several months focused on pretrial motions.

The Court finds that failure to exclude time to allow for adequate trial preparation, which taken as a whole is not so unusual or complex as to fall within 18 U.S.C. §3161(h)(7)(B)(ii), would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The Court therefore finds that the ends of justice served by continuing the trial date outweigh the interest of the public and the defendant's right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).

Based upon all the files, records, and proceedings herein, IT IS ORDERED that:

1. The defendant's motion to exclude time under the Speedy Trial Act [ECF No. 266] is GRANTED.
2. This case is scheduled for trial on March 20, 2023 at 9:00 a.m. in Courtroom 15 (MPLS) before Chief Judge Patrick J. Schiltz.
3. A status conference will be held on March 16, 2023 at 9:00 a.m. in Courtroom 15 (MPLS) before Chief Judge Patrick J. Schiltz. The government must submit its lists of prospective witnesses and prospective exhibits at this conference.
4. Trial briefs, voir dire questions, proposed jury instructions, and trial-related motions (including motions in limine) must be submitted to Chief Judge Schiltz's chambers by 4:00 p.m. on March 6, 2023. Responses to trial-related motions (including motions in limine) must be submitted by 4:00 p.m. on March 10, 2023.
5. The time from the date of the defendant's motion (November 29, 2022) through March 20, 2023 shall be excluded from the calculation of days within which trial must commence under 18 U.S.C. § 3161.

Dated: November 30, 2022

s/Patrick J. Schiltz  
Patrick J. Schiltz, Chief Judge  
United States District Court